

A N

509. i. 15
2

ORDER

OF THE

High Court of Chancery,

Made by the

Right Honourable the Lords Commissioners for the

CUSTODY of the

Great Seal of *GREAT BRITAIN*,

On the 26th of *May*, 1725.

*R. England - Chancery,
Court of*



LONDON:

Printed by *S. Buckley*, in *Amen-Corner*. 1725.

1840

On the 1st of January 1840
I received of Mr. J. B. Smith
the sum of £100 0 0

for the purchase of
the land of Mr. J. B. Smith
situated in the parish of St. Mary
the Virgin, in the County of London

and I have paid to him
the sum of £100 0 0



LONDON
Printed by J. B. Smith

Mercurii 26^{to} Die Maii 1725.

Ordo Curiae.

WHEREAS by an Order of this Court, bearing Date the 17th Day of *December*, 1724. Reciting, That his Majesty had been pleased to appoint a Committee of several Lords and others of his most Honourable Privy Council, to make some Enquiries concerning the Court of *Chancery*, and particularly concerning the Monies of the Suitors of this Court, in the Hands of the Masters, or other Officers of this Court, and to consider which way the same might be best secured; and the Lord Chancellor having at their Desire, ordered the several Masters to give in their respective Accompts, which they accordingly did; And that Mr. Baron *Gilbert*, Mr. Justice *Denton*, and Mr. Justice *Raymond*, and likewise Sir *Nathaniel Gould*, Mr. *Thompson* and Mr. *Hanger*, three of the Directors, and one of them Deputy-Governour of the *Bank*, having been appointed and desired by the said Committee to inspect and examine the said Accompts, and that they had proceeded so to do: And, that after having been several Times attended by the said Masters, they had made a Report thereof to the said Committee of Council, whereby it appeared, that tho' all the Masters of this Court, had produced before them all the Securities and Certificates of their having the Stock and Annuities in their Names, which upon their Accompts, they appeared to be chargeable with, as belonging to the Suitors of the Court; and that much the greater part of the Masters, had brought before Mr. Baron *Gilbert* and the other Persons above-named, their Cash and Securities easily convertible into Money, Certificates of Stock and Annuities, sufficient to make good the Ballance of their Accompts; Yet upon the said Report, it appeared that there were then considerable Deficiencies of Monies, which were in the Hands of some Masters who were dead; and that some of the present Masters had not produced the Ballance of their Cash, nor given a satisfactory Account how the same are to be made good: And that it not having been usual for the Masters of the Court to give Security for the Money in their Hands, the said Committee thought it adviseable, that till that Affair could be more maturely considered, and proper Measures established for Security of the Suitors of the Court, the Effects therein and herein after mentioned, which had, upon that Occasion been produced, should be for the then present, secured in the Manner therein mentioned, and recommended to the Right Honourable the Lord Chancellor to take such Order therein, as should be proper: And that the Premises being communicated to all the said Masters, and the Report then read in the Presence of them all, except Mr. *Kinaston*,

A

naston,

nafton, who was then indisposed, and thereby prevented from attending: And that upon hearing what was alledged by the said Masters, and the Facts of the said Report, so far as concerned their respective Securities in their Hands, and Power, and the Ballance of Cash in their Hands not being controverted, his Lordship did therefore order, that the said Masters *Mr. Holford*, *Mr. Lovibond*, *Mr. John Bennet*, *Mr. Godfrey*, *Mr. Lightboun*, *Mr. Conway*, *Mr. Edwards*, *Mr. Thomas Bennet*, *Mr. Elde*, and *Mr. Thurston*, all then present, and likewise *Mr. Kinafton*, should forthwith prepare and send to the *Bank of England*, every one a Chest, with one Lock and Hasps for two Padlocks, the Key of the Lock to be kept by the Master, and the Key of one of the Padlocks by *Mr. Smith* and *Mr. Malthus*, two of the Six Clerks of this Court, or one of them, and the Key of the other by the Governour, Deputy-Governour or Cashier of the *Bank*; and that all the Bonds, *Exchequer* Annuities and Orders, and other Securities given in upon their said Accounts, as Securities belonging to the Suitors of the Court, or as the proper Securities of the said Masters, towards making good the Ballance of their respective Cash, and likewise *Bank* Notes and Cash so given in, and not since paid to, or laid out for, the Suitors of the Court, should be deposited in the said Chests, under the Inspection of *Mr. Baron Gilbert*, and the other Persons appointed as aforesaid, to inspect the Masters Accounts, or some of them; and that then the Chests should be lockt up and left in the Custody of the *Bank of England*; but so to be kept, as that the Masters might have easy Access thereto, to comply with the Orders of this Court, till further Order should be taken concerning the same: And further reciting, That whereas the Masters had in their several Accounts, given in Particulars of Stock and of Annuities transferrable in the Books of the several Companies, standing in their Names, which belonged to the several Suitors of this Court, or as their own proper Stock and Annuities, by which, part of the Ballance of Cash in their Hands might be made good or secured; It was thereby further ordered, that they should each of them forthwith deliver in to the respective Companies a Declaration in Writing, wherein such Stock in each respective Company, or the Annuities there transferrable, as by their respective Accompts appeared to belong to the Suitors of the Court; and likewise the Stock and Annuities, by them respectively proposed, towards making good and securing their Ballance of Cash, or so much thereof as should equal the Ballance of their said Accompt in case they had in their Names more than sufficient for that purpose, should be declared to be upon Trust to attend the Orders of this Court, and the said respective Companies were to take care that proper Entries should be made thereof in their Books, so that such Stock or Annuity should not be transferred but by order or leave of the Court: And the said Masters, upon performing the Order above, were to take proper Certificates signed by *Mr. Baron Gilbert* and the other Persons appointed as aforesaid to inspect the said Accompts, or some of them, and by the Persons keeping the Keys of the said Chests, of the Particulars of the Bonds and other Securities and Cash-Notes deposited and lockt up in such Chests as aforesaid, and Certificates signed by the same Persons and by a proper Officer of the *Bank*, That such Chests are deposited in the *Bank*, and Certificates signed by the proper Officer of the respective Companies, of the Declarations made as aforesaid by the respective Masters, and of the Entries thereof; And it was thereby further ordered, that Goldsmiths Notes produced by the said Masters in giving in their Accounts, should be by them turned into Bank-Notes and so deposited as aforesaid;

said; and the said several Masters were forthwith to give Mr. Baron *Gilbert* Post-Accompts of their Receipts and Payments since the former Account, and a Copy of the said recited Order was to be delivered to Mr. *Kinaston*, he not being then present, and another Copy left at the Publick-Office of the Masters with their Clerk there, for their more easy recourse thereto, in order to their exact Compliance therewith. And whereas by another Order of this Court, bearing date the Twenty first Day of *December*, 1724. reciting in part the Order herein before-recited, It is by the said Order of the Twenty first Day of *December*, 1724. further ordered, that the several and respective Masters whose Effects so ordered to be secured, did not amount to the whole Ballance of the Cash admitted in their Accompts, to be in their Hands, should forthwith secure the rest of the Ballance of the Cash appearing to be due on their respective Accompts, by depositing in like Manner, *Bank* Notes, or other Effects to the Amount thereof; or entring into a Recognizance in a competent Sum of Money with two or more Securities to be approved by Mr. Baron *Gilbert*, Mr. Justice *Denton*, and Mr. Justice *Raymond*, or any Two of them, for duly answering from time to time, as this Court should direct, such Sum and Sums as the remaining Deficiencies of their said respective Ballances amounted unto, as in and by the said respective Orders may appear. And whereas the Vault at the *Bank* where the Chests of the said Masters are kept is locked up, and cannot, according to the Rules and Orders of the *Bank* be opened, unless Two of the Directors be there present with their Keys; And whereas it will create great Trouble, Difficulty, and Expence to the Suitors, that the Masters, One of the said Six Clerks, the Cashier of the *Bank*, and Two of the Directors should attend with their Keys at all Times when any of the Chests of the Masters are to be opened, in order to deliver out any of the Bonds, Tallies, Orders, or other Effects to the Suitors, or to receive Interest thereon; Now the Right Honourable the LORDS COMMISSIONERS for the Custody of the Great Seal of Great Britain, having taken into their serious Consideration the ill Consequence and great Prejudice which already hath, and may hereafter ensue to the Suitors, by having their Monies left in the sole Power of the Masters of this Court; and likewise conceiving that the Bonds, Tallies, Orders, and Effects may be as safely deposited with the *Bank of England*, in the Manner herein after mentioned, as if the same were to remain in their Vault under the Locks before mentioned; And to the End, that the Money of the Suitors may be secured for their Use and Benefit, with the least Charge and Inconvenience to them, and that they may receive further Satisfaction in Relation thereto, and how the same is to be applied and disposed of, their Lordships do order and direct, That every Master of this Court, together with the said Six Clerks, do go to the *Bank of England*, and open their respective Chests; and that the said Masters, together with the said Six Clerks, and one of the Cashiers of the *Bank*, do make a true and perfect Schedule of all the Bonds, Tallies, Orders, and Effects deposited in the said several Chests, specifying their respective Numbers, Dates, and Sums, and likewise of the Cash deposited therein, and do by such Schedule deliver over the same to the *Bank of England*; and that at the Time of such Delivery, each Master shall receive from the *Bank* a Certificate of the Receipt of the Bonds, Tallies, Orders, and Effects, and likewise of the Cash so delivered by each Master respectively, under the Seal of the *Bank of England*; and that such Certificate be carried by each Master to the *Report-Office*, and there filed; and that such Bonds, Tallies, Orders, and Effects, and Cash, be entered Causewise in Books to be kept by each

each Master in the *Report-Office* ; and that such Masters as have been deficient in bringing in their Ballance of Cash, are hereby required to enter the same, but not Causewise, till they shall have severally made good their whole Deficiencies ; and that likewise there be entred in such Books, Causewise, the several Stocks of which the Masters have already declared Trusts in the said several Companies Books ; and that an exact Duplicate of such Books be kept with the *Bank* by each respective Master. And it is further ordered, That the *Bank* shall at all Times hereafter receive all Interest due upon such Bonds, Tallies, and Orders, as likewise the Dividend of all such Stocks in the Companies Books of which the Masters have declared Trusts for the Suitors of this Court ; and that the Masters do for that purpose, by a proper Authority, authorize and impower one of the Cashiers of the *Bank* to receive the same ; and that from time to time such Interest of Money and Dividends of Stock be entred in the respective Master's Accompts, to be so kept with the *Bank* in the said Books ; and that the Masters shall, at the End of every Term, draw out of their respective Books at the *Bank*, an Account in Writing of the Interest and Dividends so received and entred in their Accounts, and enter the same Causewise in their respective Books at the *Report-Office*. And it is further ordered, That the several Masters, instead of the Stock and Annuities of which they have declared Trusts, to answer their Ballance of Cash, shall bring in their Ballance of Cash, and deposite the same with the *Bank*. And it is further ordered, That when any Money, or Tallies, Orders, or Bonds, at or after the hearing of any Cause, shall hereafter be taken under the Care and Direction of this Court, the Master named by the Order shall direct the Payment of such Money, or the Delivery of such Tallies, Orders, and Bonds, into the *Bank*, and upon Payment or Delivery thereof accordingly, the Monies so paid, and the Orders, Tallies, and Bonds so delivered, shall be entred in the Masters Accompts kept with the *Bank* : But the Masters shall have no Power to issue any Money entred in their said Accounts, or to direct any of the said Securities to be delivered out ; but the same shall be ordered to be paid or delivered to the Suitors in Manner herein after mentioned. And it is further ordered, That when any Money shall be paid, or Tallies, Orders, or Bonds delivered into the *Bank*, pursuant to the Directions aforesaid, the Party so paying such Money, or delivering in such Tallies, Orders, or Bonds, shall take a Certificate from one of the Cashiers of the *Bank* of his paying and delivering in of the same, and of their being placed to the proper Master's Account, and shall carry the said Certificate to such Master, who shall thereupon make his Report of the Payment of such Money, or Delivery of such Tallies, Orders, and Bonds into the *Bank*, and file the same at the *Report-Office* ; and that the Clerk of the said Office do enter the same in the Master's Book Causewise, and place the same to the proper Account of the respective Master there. And it is further ordered, That when any Money shall hereafter be directed to be laid out on Government Securities, the Species of the particular Securities in which the same shall be directed to be invested, be for the future mentioned in the Order : And in case any of them shall consist of *East-India* Bonds, *South-Sea* Bonds, or *Exchequer* Tallies and Orders, the same shall be delivered in at the *Bank*, of which Delivery such Certificate shall be given to such Master by one of the Cashiers of the *Bank*, as aforesaid, and proper Entries thereof shall be made in the Account of the Master mentioned in such Order ; and if any such Securities shall consist of Stock in any of the said Companies, such Stock is to be transferred to such Master, who

who shall make a Declaration of Trust in the Companies Books, that the same is subject to the Orders of this Court, and shall take a Certificate thereof from the proper Officer of the respective Company, and likewise enter the same in his Book at the *Bank*, that the *Bank* may receive the Dividends thereupon, and shall also make a Report of all such Securities, which Certificate and Report shall be filed at the *Report-Office*, and therein mention and specify the Sums, Dates, and Numbers of such Bonds, Tallies, and Orders, and Quantities of Stock, and of the Time of the Transfer of such Stock to him, and the Clerk of the *Report-Office* is to enter the Dates, Sums, and Numbers of the Bonds, Tallies, and Orders, and Quantities of Stock in such Report mentioned in the proper Masters Books kept there. And it is further ordered, That when any Securities deposited, or to be deposited at the *Bank*, shall be directed by Order of Court to be delivered out, the Register shall certify to the Master, what Security is to be delivered out, together with the Numbers, Dates, and Sums of such Securities, and the Name of the Cause wherein the same is to be delivered out; which Certificate the Clerk in Court, or Solicitor in the Cause, shall deliver to the Master, who shall counter-sign the same; and such Certificate, so counter-signed, shall be a proper Authority for the *Bank* to deliver over such Security, and enter the Delivery of such Securities in the Master's Accompts, Causewise. And it is hereby declared to be the Duty of the Master to supervise such Entry, and to certify the same into the *Report-Office*, there to be filed; and for ascertaining the Times for the delivering out and taking in of Bonds, Tallies, and Orders by the *Bank*, it is hereby ordered, that the same shall be so taken in and delivered out on *Wednesdays* and *Fridays* in every Week, between the Hours of Ten in the Forenoon and One in the Afternoon; and the Master shall receive from the Suitor the usual Fees for making the Report and filing the same, and no more, and shall answer the Fee for filing the Report to the *Report-Office*. And it is further ordered, That when any Stock in any of the Companies Books (of which any of the Masters have or shall declare Trusts for any of the Suitors) shall be ordered to be transferred by any of the Masters to the Suitors, the Register shall certify, under his Hand, to the Master, what Stock he is by such Order to transfer, and to whom; which Certificate the Clerk in Court, or Solicitor in the Cause, shall carry to the Master, who shall, within one Week, or at the then next opening of the respective Companies Books, attend in Person, and deliver such Certificate to the proper Officer of such Company, and transfer such Stock, or give sufficient Authority to some other Person so to do: And it is hereby declared, That such Certificate shall be an Authority to the respective Companies to permit the said Master, or other Persons by them lawfully authorized, to transfer such Stocks; of which Transfer the Master is hereby ordered and directed to make his Report, and procure the same to be filed at the *Report-Office*; for the making and filing of which Report, the Master shall receive from the Suitor the usual Fees, and answer the Fee for filing of the Report to the *Report-Office*; and the Transfer of such Stock shall be certified by the Master to the *Bank*, in order that such Stock may be discharged out of the Account of the Master in his Book there. And it is further ordered, That when any Money belonging to the Suitors of this Court, received by the *Bank*, pursuant to this or any other Order for that purpose made, shall be directed to be paid by Order of this

Court, the Clerk in Court, or Solicitor in the said Cause, do carry the said Order to the Master, who shall forthwith make a Certificate thereof, which Certificate such Clerk or Solicitor shall forthwith file in the *Report-Office*, and that the Master do, by Note under his Hand, draw on the *Bank* for such Money as shall be so directed to be paid, upon Cheque-Paper, fairly written, and signed by the Master, which Note of the Master shall be carried to the *Report-Office*, and an Entry made thereof in the Master's Book there, and an *Intratur* shall be written thereon, and signed by the Register; which Note so entred and signed shall be sufficient Authority to the *Bank* to pay such Money to the Person mentioned in such Note, or to such Person as he or she by Indorsement shall order to receive the same, as likewise to write off the same from such Master's Account there. But when any Sum of Money shall be directed to be paid to any Suitor out of such Money so to be received by the *Bank*, for Interest or Maintenance, the Master shall, by Note under his Hand, upon Cheque-Paper, without any Certificate, draw on the *Bank* for the same; and such Note being signed by the Master, and entred in the *Report-Office*, and counter-signed by the Register, as is before directed, shall be a proper Authority for the *Bank* to pay the same. And it is further ordered, that Mr. *John Bennet*, Mr. *Conway*, Mr. *Kinaston* and Mr. *Thomas Bennet*, do in their Books, to be kept in the *Report-Office* and at the *Bank*, enter their respective Deficiencies of their Ballance of Cash, and do forthwith sell the several Estates and Effects that they have conveyed and assigned to Mr. *Holford*, and that the Money arising by the Sale thereof, be by the Purchasers paid into the *Bank*; and that the said Masters do immediately pay and make good their said Deficiencies, and in default thereof, upon Application to be made by the said Suitors by Petition, (for which Petition, no Fee or Reward shall be taken) the Court will make such further Order for their Relief, as shall be just: And it is hereby further ordered, That Mr. *Edwards* do forthwith make up the Account of what he has received of the Effects of Mr. *Dormer*, and how the same has been paid out, when, to whom, and by what Order: And that Mr. *Thurston* do make up the Account of what he hath received of the Effects of Mr. *Borret*, and what he hath paid out to the Suitors of the Court, when, to whom, and by what Order; And that such Accounts be entred in their respective Books at the *Report-Office*; and whatever shall be remaining in their Hands due to the Suitors of the Court out of the Effects of Mr. *Dormer* or Mr. *Borret*, or shall hereafter come to their Hands, out of the said Effects, shall be by the said Mr. *Edwards* and Mr. *Thurston* respectively paid into the *Bank*, and entred in distinct Accounts to be kept there; and upon Petition by the Suitors to whom such Money shall belong, (for which Petition, no Fee or Reward shall be taken) the Court will make such further Order therein as shall be just. And it is further ordered, That every Master do on the first Day of every Term, give an Account in Writing, to the Secretary of the Lord Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal, for the Time being, of all Monies and Securities, or Stocks that they have issued or transferred in the respective Causes before them, since their last Account, together with the Dates of such Orders; and that the Masters do diligently from Time to Time compare such Account with their Books kept at the *Report-Office*, and at the *Bank*: And it is further ordered, that all the present Masters of this Court, and every other Person, who

who shall hereafter be admitted and sworn as a Master of this Court, and all other Persons whatsoever, do in all Things conform to, and observe this Order, and all Matters and Things herein contained: And it is further ordered, that no Person or Persons whatsoever, shall receive or take any Fee or Reward for doing or transacting any Business, Matter or Thing, in pursuance of this Order, other than the Masters of this Court and the Clerk of the *Report-Office* respectively; And the Master shall only take the same Fee for a Certificate as they have been intituled to for a Report, and no more; and the Clerk of the *Report-Office* shall only take the same Fee for filing the Certificate or Report, as the Clerk of the *Report-Office* has been intituled unto for filing the same: And that any Person presuming to take any new Fee or Reward, shall be looked upon as guilty of Extortion, and upon Complaint thereof, made to the Court, shall be punished with the utmost Severity: And it is further ordered, that this Order be forthwith published, and set up in all the Offices belonging to this Court, concerned in this Order.

E. G. Intr'

J. Jekyll, C. S.

Jeff. Gilbert, C. S.

R. Raymond, C. S.

who shall hereafter be admitted and sworn as a Master of this Court, and
all other Persons whatsoever, do in all Things conform to, and observe this
Order, and all Matters and Things herein contained: And it is further or-
dered, that no Person or Persons whatsoever, shall receive any Fee
or Reward for doing or transacting any Business, Matter or Thing, in any
manner or in any Order, other than the Masters or Clerk of the Court, or
the Master of the Court, respectively: And the Master shall only take the same Fee
for a Certificate as they have been intitled to for a Report, and so in like
manner the Clerk of the Court shall only take the same Fee for filing the
Certificate or Report as the Clerk of the Court shall be intitled to for filing the
same: And that any Person purporting to take any new
Fee or Reward, shall be looked upon as guilty of Perjury, and upon
Complaint thereof made to the Court, shall be punished with the same
Penalty: And it is further ordered, that this Order be forthwith pub-
lished, and be up in all the Offices belonging to this Court, contained in
this Order.

E. C. Hall
J. P. Webb
J. P. Gilbert
R. R. Raymond
C. S.
C. S.
C. S.